

State of Arizona  
House of Representatives  
Forty-seventh Legislature  
First Regular Session  
2005

## HOUSE BILL 2718

### AN ACT

REPEALING SECTION 15-756, ARIZONA REVISED STATUTES; RENUMBERING SECTION 15-756.01, ARIZONA REVISED STATUTES, AS SECTION 15-757; AMENDING TITLE 15, CHAPTER 7, ARTICLE 3.1, ARIZONA REVISED STATUTES, BY ADDING NEW SECTIONS 15-756 AND 15-756.01 AND SECTIONS 15-756.02 THROUGH 15-756.12; AMENDING SECTION 15-943, ARIZONA REVISED STATUTES; AMENDING SECTION 15-943, ARIZONA REVISED STATUTES, AS AMENDED BY THIS ACT; AMENDING SECTION 41-1279.03, ARIZONA REVISED STATUTES; MAKING APPROPRIATIONS; RELATING TO ENGLISH LANGUAGE LEARNERS; PROVIDING FOR CONDITIONAL ENACTMENT.

(TEXT OF BILL BEGINS ON NEXT PAGE)





STATE OF ARIZONA

JANET NAPOLITANO  
GOVERNOR

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May 20, 2005

The Honorable Jim Weiers  
Speaker of the House  
Arizona House of Representatives  
1700 West Washington Street  
Phoenix, Arizona 85007

Re: House Bill 2718: English language learners

Dear Speaker Weiers:

Today I vetoed House Bill 2718, related to English language learning ("ELL") programs.

There are several reasons for my veto. First among them is the fact that you and President Bennett did not fulfill your end of our agreement reached as part of our budget negotiations. As part of that agreement, you pledged to work with Democrats in the legislature to develop a bi-partisan bill to satisfy the state's obligations in the *Flores v. State of Arizona* litigation. That did not happen.


Further, House Bill 2718 is a disservice to the Arizona school children who need effective ELL programs. The state has been under court order for over five years to better fund ELL programs. The funding provided in House Bill 2718 is grossly inadequate over the long run to meet the state's ELL needs, and the consequences to Arizona of such under-funding would be serious. Students without adequate English language skills are significantly more likely to fail or drop out of school.

House Bill 2718 also creates a new publicly funded bureaucracy -- in the form of a well compensated task force -- to approve and design ELL programs. Such a bureaucracy is unnecessary and inefficient. State and national experts have already identified the most effective strategies for implementing ELL programs, and what Arizona needs is adequate resources to do so promptly. House Bill 2718's bureaucratic and subjective grant funding process is a step backward, and is not reasonably calculated to comply with the court's orders.

The Honorable Jim Weiers  
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Arizona risks losing substantial federal funding if it does not comply with the court's orders, and I urge the legislature to promptly work to achieve a bi-partisan bill that meaningfully addresses the court's legitimate concerns. When I am informed by both minority and majority leadership that such a bill is ready, I will call a special session so that we can enact legislation to bring Arizona into compliance with the court's orders in this important area.

Yours very truly,



Janet Napolitano  
Governor

JN:TN/jm

cc: The Honorable Ken Bennett  
The Honorable Tom Boone

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Repeal

3 Section 15-756, Arizona Revised Statutes, is repealed.

4 Sec. 2. Renumber

5 Section 15-756.01, Arizona Revised Statutes, is renumbered as section  
6 15-757.

7 Sec. 3. Title 15, chapter 7, article 3.1, Arizona Revised Statutes, is  
8 amended by adding new sections 15-756 and 15-756.01 and sections 15-756.02  
9 through 15-756.12, to read:

10 15-756. Identification of English language learners

11 A. THE PRIMARY OR HOME LANGUAGE FOR ALL NEW PUPILS WHO ENROLL IN A  
12 SCHOOL DISTRICT OR CHARTER SCHOOL SHALL BE IDENTIFIED IN A MANNER PRESCRIBED  
13 BY THE STATE BOARD OF EDUCATION.

14 B. THE ENGLISH LANGUAGE PROFICIENCY OF ALL PUPILS WITH A PRIMARY OR  
15 HOME LANGUAGE OTHER THAN ENGLISH SHALL BE ASSESSED THROUGH THE ADMINISTRATION  
16 OF ENGLISH LANGUAGE PROFICIENCY EXAMS IN A MANNER PRESCRIBED BY THE STATE  
17 BOARD OF EDUCATION. THE DEPARTMENT SHALL ANNUALLY REQUEST AN APPROPRIATION  
18 TO PAY FOR THE PURCHASE OF ALL LANGUAGE PROFICIENCY TESTS FOR SCHOOL  
19 DISTRICTS AND CHARTER SCHOOLS.

20 C. IF IT IS DETERMINED THAT THE PUPIL IS NOT ENGLISH LANGUAGE  
21 PROFICIENT, THE PUPIL SHALL BE CLASSIFIED AS AN ENGLISH LANGUAGE LEARNER AND  
22 SHALL BE ENROLLED IN AN ENGLISH LANGUAGE EDUCATION PROGRAM PURSUANT TO  
23 SECTION 15-752 OR 15-753.

24 15-756.01. Arizona English language learners task force;  
25 research based models of structured English  
26 immersion for English learners; compensation;  
27 definition

28 A. THE ARIZONA ENGLISH LANGUAGE LEARNERS TASK FORCE IS ESTABLISHED  
29 WITHIN THE DEPARTMENT OF EDUCATION. THE TASK FORCE SHALL CONSIST OF THE  
30 FOLLOWING NINE MEMBERS:

31 1. THE SUPERINTENDENT OF PUBLIC INSTRUCTION OR THE SUPERINTENDENT'S  
32 DESIGNEE.

33 2. FOUR MEMBERS WHO ARE APPOINTED BY THE GOVERNOR.

34 3. TWO MEMBERS APPOINTED BY THE PRESIDENT OF THE SENATE.

35 4. TWO MEMBERS APPOINTED BY THE SPEAKER OF THE HOUSE OF  
36 REPRESENTATIVES.

37 B. MEMBERS OF THE TASK FORCE APPOINTED PURSUANT TO SUBSECTION A,  
38 PARAGRAPHS 2, 3 AND 4 OF THIS SECTION SHALL SERVE A TERM OF THREE YEARS.  
39 MEMBERS OF THE TASK FORCE SHALL ELECT A CHAIR FROM AMONG THE MEMBERS OF THE  
40 TASK FORCE. THE DEPARTMENT OF EDUCATION SHALL PROVIDE ADEQUATE STAFF SUPPORT  
41 FOR THE TASK FORCE.

42 C. THE TASK FORCE SHALL DEVELOP AND ADOPT RESEARCH BASED MODELS OF  
43 STRUCTURED ENGLISH IMMERSION FOR USE BY SCHOOL DISTRICTS AND CHARTER SCHOOLS.  
44 THE MODELS SHALL INCLUDE ESTIMATED PER-PUPIL COSTS FOR EACH MODEL, TAKING  
45 INTO CONSIDERATION AT LEAST THE SIZE OF THE SCHOOL, THE LOCATION OF THE

1 SCHOOL, THE GRADE LEVELS, CLASS SIZE, CLASSROOM AIDES, THE NUMBER OF ENGLISH  
2 LANGUAGE LEARNERS AND THE PERCENTAGE OF ENGLISH LANGUAGE LEARNERS.

3 D. THE RESEARCH BASED MODELS OF STRUCTURED ENGLISH IMMERSION ADOPTED  
4 BY THE TASK FORCE SHALL BE THE MOST COST-EFFECTIVE AND EFFICIENT MODELS  
5 AVAILABLE THAT MEET ALL STATE AND FEDERAL LAWS.

6 E. THE RESEARCH BASED MODELS OF STRUCTURED ENGLISH IMMERSION AND THE  
7 ACCOMPANYING PLANS SHALL BE LIMITED TO A REGULAR SCHOOL YEAR.

8 F. THE RESEARCH BASED MODELS OF STRUCTURED ENGLISH IMMERSION SHALL BE  
9 SUBMITTED BY THE TASK FORCE TO THE PRESIDENT OF THE SENATE, THE SPEAKER OF  
10 THE HOUSE OF REPRESENTATIVES, THE GOVERNOR AND THE STATE BOARD OF EDUCATION.

11 G. THE TASK FORCE SHALL REVIEW RESEARCH BASED MODELS OF STRUCTURED  
12 ENGLISH IMMERSION AT LEAST ONCE EVERY FIVE YEARS.

13 H. THE TASK FORCE SHALL ESTABLISH A PROCESS TO DETERMINE THE  
14 INCREMENTAL COSTS FOR THE RESEARCH BASED MODELS OF STRUCTURED ENGLISH  
15 IMMERSION.

16 I. MEMBERS OF THE TASK FORCE ARE ELIGIBLE TO RECEIVE COMPENSATION IN  
17 THE AMOUNT OF ONE HUNDRED FIFTY DOLLARS FOR EACH MEETING ATTENDED, PRORATED  
18 FOR PARTIAL DAY SPENT FOR EACH MEETING, BUT NOT TO EXCEED TWO THOUSAND FIVE  
19 HUNDRED DOLLARS EACH YEAR. ALL MEMBERS ARE ELIGIBLE FOR REIMBURSEMENT OF  
20 EXPENSES PURSUANT TO TITLE 38, CHAPTER 4, ARTICLE 2.

21 J. FOR THE PURPOSES OF THIS SECTION, "INCREMENTAL COSTS" MEANS COSTS  
22 ASSOCIATED WITH A STRUCTURED ENGLISH IMMERSION PROGRAM PURSUANT TO SECTION  
23 15-752 OR A PROGRAM PURSUANT TO SECTION 15-753 THAT ARE IN ADDITION TO THE  
24 NORMAL COSTS OF CONDUCTING PROGRAMS FOR ENGLISH PROFICIENT STUDENTS.  
25 INCREMENTAL COSTS DO NOT INCLUDE COSTS THAT REPLACE THE SAME TYPES OF  
26 SERVICES PROVIDED TO ENGLISH PROFICIENT STUDENTS.

27 15-756.02. Structured English immersion plans; definition

28 A. EACH SCHOOL DISTRICT GOVERNING BOARD AND EACH GOVERNING BODY OF A  
29 CHARTER SCHOOL, IN CONSULTATION WITH THE COUNTY SCHOOL SUPERINTENDENT, SHALL  
30 ADOPT A PLAN TO IMPLEMENT STRUCTURED ENGLISH IMMERSION ON A SCHOOL BY SCHOOL  
31 BASIS.

32 B. THE DEPARTMENT OF EDUCATION, IN CONSULTATION WITH THE AUDITOR  
33 GENERAL, SHALL DEVELOP AND ADOPT MODEL FORMS TO BE USED BY SCHOOL DISTRICTS  
34 AND CHARTER SCHOOLS TO COMPLETE THE STRUCTURED ENGLISH IMMERSION PLANS BASED  
35 ON THE RESEARCH BASED MODELS OF STRUCTURED ENGLISH IMMERSION ADOPTED BY THE  
36 DEPARTMENT. THE DEPARTMENT SHALL PRESCRIBE THE FORMAT AND COMPONENTS OF A  
37 STRUCTURED ENGLISH IMMERSION PLAN THAT ADDRESSES AT LEAST THE COMPONENTS  
38 CONTAINED IN SUBSECTION C OF THIS SECTION.

39 C. EACH PLAN DEVELOPED BY A SCHOOL DISTRICT OR CHARTER SCHOOL SHALL  
40 ADDRESS AT LEAST THE FOLLOWING:

41 1. PROGRAM COMPONENTS, INCLUDING:

42 (a) A DESCRIPTION OF THE SCHOOL DISTRICT'S OR CHARTER SCHOOL'S  
43 STRUCTURED ENGLISH IMMERSION PROGRAM PURSUANT TO SECTION 15-752. IF A PUPIL  
44 IS ENROLLED IN A PROGRAM PURSUANT TO SECTION 15-753, THE SCHOOL DISTRICT OR  
45 CHARTER SCHOOL SHALL INCLUDE A DESCRIPTION OF THAT PROGRAM.

1 (b) DEMONSTRATION OF COMPLIANCE WITH FEDERAL AND STATE LAW.

2 (c) THE CURRICULUM TO BE USED AT EACH SCHOOL, INCLUDING INSTRUCTIONAL  
3 MATERIALS, THAT IS ALIGNED WITH THE ACADEMIC STANDARDS AND THE ENGLISH  
4 LANGUAGE PROFICIENCY STANDARDS ADOPTED BY THE STATE BOARD OF EDUCATION.

5 (d) AN ANALYSIS OF HOW MANY TEACHERS HAVE FULL OR PROVISIONAL  
6 STRUCTURED ENGLISH IMMERSION ENDORSEMENTS.

7 (e) AN ANALYSIS OF PROGRAMMATIC EFFECTIVENESS, AT A MINIMUM TO INCLUDE  
8 PRIOR YEAR DATA THAT ANALYZES THE PROGRESS OF ENGLISH LANGUAGE LEARNERS.

9 2. FINANCIAL COMPONENTS, INCLUDING:

10 (a) A DETAILED BUDGET ON A SCHOOL BY SCHOOL BASIS INCLUDING AT LEAST  
11 THE FOLLOWING:

12 (i) A DETAILED ITEMIZATION OF ALL REVENUES, INCLUDING FEDERAL, STATE,  
13 LOCAL AND PRIVATE FUNDING SOURCES THAT LEGALLY MAY BE USED FOR THE  
14 EDUCATIONAL NEEDS OF ENGLISH LANGUAGE LEARNERS.

15 (ii) A DETAILED ITEMIZATION OF ALL BUDGETED AND ACTUAL EXPENDITURES  
16 FOR THE CURRENT AND FOLLOWING FISCAL YEAR FOR THE EDUCATIONAL NEEDS OF  
17 ENGLISH LANGUAGE LEARNERS.

18 (iii) A DETAILED ITEMIZATION OF ALL REVENUES, INCLUDING FEDERAL,  
19 STATE, LOCAL AND PRIVATE FUNDING SOURCES THAT LEGALLY MAY BE USED FOR THE  
20 EDUCATIONAL NEEDS OF ENGLISH PROFICIENT STUDENTS.

21 (iv) A DETAILED ITEMIZATION OF ALL BUDGETED AND ACTUAL EXPENDITURES  
22 FOR THE CURRENT AND FOLLOWING FISCAL YEAR FOR THE EDUCATIONAL NEEDS OF  
23 ENGLISH PROFICIENT STUDENTS.

24 (b) A REQUEST FOR A SPECIFIC AMOUNT OF SUPPLEMENTAL MONIES FROM THE  
25 ARIZONA STRUCTURED ENGLISH IMMERSION FUND IF THE ESTIMATED INCREMENTAL COSTS  
26 OF THE SCHOOL DISTRICT'S OR CHARTER SCHOOL'S STRUCTURED ENGLISH IMMERSION  
27 PROGRAM EXCEED THE TOTAL AMOUNT OF FUNDING AVAILABLE FROM ALL OTHER SOURCES.  
28 THE REQUEST SHALL INCLUDE A DETAILED EXPLANATION AND JUSTIFICATION OF THE  
29 NEED FOR THE AMOUNT OF SUPPLEMENTAL MONIES REQUESTED.

30 (c) AN ANALYSIS OF THE STRUCTURED ENGLISH IMMERSION PROGRAM AND THE  
31 PLAN.

32 3. THE SIGNATURE OF THE SUPERINTENDENT OF THE SCHOOL DISTRICT AND THE  
33 CHIEF FINANCIAL OFFICER OF THE SCHOOL DISTRICT OR THE PRINCIPAL OF THE  
34 CHARTER SCHOOL AND THE CHIEF FINANCIAL OFFICER OF THE CHARTER SCHOOL.

35 D. EACH SCHOOL DISTRICT AND CHARTER SCHOOL SHALL SUBMIT A STRUCTURED  
36 ENGLISH IMMERSION PLAN TO THE DEPARTMENT OF EDUCATION ONCE EVERY TWO YEARS ON  
37 OR BEFORE OCTOBER 1 FOR THE FOLLOWING TWO SCHOOL YEARS. IF THE SCHOOL  
38 DISTRICT OR CHARTER SCHOOL MAKES CHANGES TO THE PLAN DURING THIS TWO YEAR  
39 PERIOD, THE PLAN SHALL BE SUBMITTED TO THE DEPARTMENT OF EDUCATION ON OR  
40 BEFORE OCTOBER 1 FOR THE FOLLOWING SCHOOL YEAR. THE DEPARTMENT SHALL FORWARD  
41 ALL PLANS TO THE TASK FORCE ESTABLISHED BY SECTION 15-756.01. IF A SCHOOL  
42 DISTRICT OR CHARTER SCHOOL DOES NOT SUBMIT A PLAN EVERY TWO YEARS BY OCTOBER  
43 1, THE DEPARTMENT OF EDUCATION SHALL SELECT A MODEL PLAN THAT THE SCHOOL  
44 DISTRICT OR CHARTER SCHOOL SHALL IMPLEMENT.

1 E. IF THE DEPARTMENT OF EDUCATION DETERMINES THAT THE PLAN  
2 SUBSTANTIALLY CONFORMS TO A RESEARCH BASED MODEL OF STRUCTURED ENGLISH  
3 IMMERSION ADOPTED BY THE DEPARTMENT OF EDUCATION, THE DEPARTMENT SHALL  
4 APPROVE THE PLAN AND THE SCHOOL DISTRICT OR CHARTER SCHOOL SHALL IMPLEMENT  
5 THE PLAN THE FOLLOWING SCHOOL YEAR.

6 F. IF THE DEPARTMENT OF EDUCATION DETERMINES THAT THE PLAN DOES NOT  
7 SUBSTANTIALLY CONFORM TO A RESEARCH BASED MODEL STRUCTURED ENGLISH IMMERSION  
8 PLAN ADOPTED BY THE DEPARTMENT OF EDUCATION, THE TASK FORCE SHALL EVALUATE  
9 AND ANALYZE THE PLAN TO ENSURE THE PLAN MEETS THE MINIMUM REQUIREMENTS OF A  
10 STRUCTURED ENGLISH IMMERSION PLAN PURSUANT TO SUBSECTION C OF THIS SECTION.  
11 IF THE TASK FORCE DETERMINES THAT THE PLAN DOES NOT MEET THE MINIMUM  
12 REQUIREMENTS, THE TASK FORCE SHALL EVALUATE THE PLAN AND MAKE RECOMMENDATIONS  
13 FOR COMPLIANCE. THE SCHOOL DISTRICT OR CHARTER SCHOOL SHALL PROVIDE  
14 INFORMATION AS REQUESTED BY THE TASK FORCE. THE PLAN SHALL BE RETURNED TO  
15 THE SCHOOL DISTRICT OR CHARTER SCHOOL FOR REVIEW AND REVISIONS. IF THE TASK  
16 FORCE DETERMINES THAT THE PLAN DOES MEET THE MINIMUM REQUIREMENTS, THE TASK  
17 FORCE SHALL NOTIFY THE DEPARTMENT THAT THE PLAN MEETS THE MINIMUM  
18 REQUIREMENTS AND THE DEPARTMENT SHALL APPROVE THE PLAN AND THE SCHOOL  
19 DISTRICT OR CHARTER SCHOOL SHALL IMPLEMENT THE PLAN THE FOLLOWING SCHOOL  
20 YEAR. A SCHOOL DISTRICT OR CHARTER SCHOOL MAY APPEAL THE DETERMINATION OF  
21 THE DEPARTMENT OF EDUCATION PURSUANT TO THIS SUBSECTION TO THE SUPERIOR  
22 COURT.

23 G. FOR THE PURPOSES OF THIS SECTION, "INCREMENTAL COSTS" MEANS COSTS  
24 ASSOCIATED WITH STRUCTURED ENGLISH IMMERSION PROGRAMS PURSUANT TO SECTION  
25 15-752 OR PROGRAMS PURSUANT TO SECTION 15-753 THAT ARE IN ADDITION TO THE  
26 NORMAL COSTS OF CONDUCTING PROGRAMS FOR ENGLISH PROFICIENT STUDENTS.  
27 INCREMENTAL COSTS DO NOT INCLUDE COSTS THAT REPLACE THE SAME TYPES OF  
28 SERVICES PROVIDED TO ENGLISH PROFICIENT STUDENTS.

29 15-756.03. Arizona structured English immersion fund;  
30 definitions

31 A. THE ARIZONA STRUCTURED ENGLISH IMMERSION FUND IS ESTABLISHED. THE  
32 DEPARTMENT OF EDUCATION SHALL ADMINISTER THE FUND.

33 B. THE DEPARTMENT SHALL SUBMIT AN ANNUAL REQUEST FOR AN APPROPRIATION  
34 FOR THE PURPOSES OF THIS SECTION.

35 C. THE DEPARTMENT SHALL DISTRIBUTE MONIES FROM THE FUND TO SCHOOL  
36 DISTRICTS AND CHARTER SCHOOLS IN AN AMOUNT DETERMINED BY THE DEPARTMENT FOR  
37 INCREMENTAL COSTS ASSOCIATED WITH THE IMPLEMENTATION OF STRUCTURED ENGLISH  
38 IMMERSION INSTRUCTION.

39 D. THE SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL ATTEMPT TO OBTAIN  
40 THE MAXIMUM AMOUNT OF FEDERAL FUNDING THAT IS AVAILABLE FOR ENGLISH LANGUAGE  
41 LEARNER PROGRAMS THAT APPLY TO THE EDUCATIONAL NEEDS OF ENGLISH LEARNERS.

42 E. FOR THE PURPOSES OF THIS SECTION, "INCREMENTAL COST" MEANS COSTS  
43 ASSOCIATED WITH STRUCTURED ENGLISH IMMERSION PROGRAMS PURSUANT TO SECTION  
44 15-752 OR PROGRAMS PURSUANT TO SECTION 15-753 THAT ARE IN ADDITION TO THE  
45 NORMAL COSTS OF CONDUCTING PROGRAMS FOR ENGLISH PROFICIENT STUDENTS.

1 INCREMENTAL COSTS DO NOT INCLUDE COSTS THAT REPLACE THE SAME TYPES OF  
2 SERVICES PROVIDED TO ENGLISH PROFICIENT STUDENTS.

3 15-756.04. Reassessment and reclassification of English  
4 learners

5 A. THE PROCESS OF REASSESSMENT OF ENGLISH LEARNERS FOR THE PURPOSE OF  
6 DETERMINING ENGLISH LANGUAGE PROFICIENCY SHALL BE CONDUCTED AT LEAST ANNUALLY  
7 AT THE END OF EACH SCHOOL YEAR IN A MANNER PRESCRIBED BY THE STATE BOARD OF  
8 EDUCATION.

9 B. A PUPIL WHO SCORES AT OR ABOVE THE TEST PUBLISHER'S DESIGNATED  
10 SCORE FOR ENGLISH PROFICIENCY OR SUCH OTHER SCORE ADOPTED BY THE BOARD BASED  
11 ON THE PUBLISHER'S DESIGNATED SCORE SHALL BE CONSIDERED ENGLISH PROFICIENT.  
12 THE PUPIL SHALL NO LONGER BE CLASSIFIED AS AN ENGLISH LANGUAGE LEARNER AND  
13 SHALL BE RECLASSIFIED AS ENGLISH PROFICIENT.

14 C. A PUPIL WHO HAS ATTAINED ENGLISH PROFICIENCY PURSUANT TO THIS  
15 SECTION SHALL BE TRANSFERRED TO ENGLISH LANGUAGE MAINSTREAM CLASSROOMS.

16 15-756.05. Reevaluation of former English language learners

17 THE ENGLISH LANGUAGE PROFICIENCY OF EACH PUPIL PREVIOUSLY CLASSIFIED AS  
18 AN ENGLISH LANGUAGE LEARNER WITHIN THE LAST TWO YEARS SHALL BE TESTED  
19 ANNUALLY AT THE END OF EACH SCHOOL YEAR, IN THE SAME MANNER AS PROVIDED IN  
20 SECTION 15-756, SUBSECTION B. THE STATE BOARD OF EDUCATION SHALL PRESCRIBE  
21 THE MANNER IN WHICH PUPILS ARE REEVALUATED. PUPILS WHO FAIL TO DEMONSTRATE  
22 ENGLISH PROFICIENCY ON THE REASSESSMENT TEST IN THE TWO YEARS FOLLOWING THEIR  
23 EXIT FROM STRUCTURED ENGLISH IMMERSION, SUBJECT TO PARENTAL CONSENT, SHALL BE  
24 REENROLLED IN STRUCTURED ENGLISH IMMERSION PURSUANT TO SECTION 15-752 AND MAY  
25 BE PROVIDED COMPENSATORY INSTRUCTION AIMED AT CURING THE SKILL OR KNOWLEDGE  
26 DEFICITS REVEALED BY THE REASSESSMENT RESULTS.

27 15-756.06. Division of English language acquisition services:  
28 duties

29 THE DIVISION OF ENGLISH LANGUAGE ACQUISITION SERVICES IS ESTABLISHED  
30 WITHIN THE DEPARTMENT OF EDUCATION. THE DEPARTMENT OF EDUCATION, DIVISION OF  
31 ENGLISH LANGUAGE ACQUISITION SERVICES, SHALL:

32 1. DEVELOP GUIDELINES FOR THE MONITORING OF SCHOOL DISTRICTS AND  
33 CHARTER SCHOOLS FOR THE PURPOSE OF ENSURING COMPLIANCE WITH ALL FEDERAL AND  
34 STATE LAWS REGARDING ENGLISH LANGUAGE LEARNERS.

35 2. EXAMINE THE IMPLEMENTATION OF STRUCTURED ENGLISH IMMERSION PLANS  
36 ADOPTED PURSUANT TO SECTION 15-756.02.

37 3. EXAMINE THE IMPLEMENTATION OF THE COMPENSATORY INSTRUCTION PLANS  
38 ADOPTED PURSUANT TO SECTION 15-756.10.

39 4. IN CONSULTATION WITH COUNTY SCHOOL SUPERINTENDENTS, DEVELOP  
40 REGIONAL PROGRAMS TO ENHANCE ALL ASPECTS OF TRAINING FOR TEACHERS AND  
41 ADMINISTRATORS.





1           5. PUBLISH AND MAINTAIN A PUBLICATION THAT INCLUDES A LIST OF RELEVANT  
2 RULES, REGULATIONS AND STATUTES RELATING TO ENGLISH LANGUAGE LEARNER PROGRAMS  
3 TO NOTIFY SCHOOL DISTRICTS AND CHARTER SCHOOLS OF THEIR RESPONSIBILITIES.

4           6. ANALYZE THE REVENUES AVAILABLE TO SCHOOL DISTRICTS AND CHARTER  
5 SCHOOLS FROM ALL FEDERAL, STATE, LOCAL AND PRIVATE FUNDING SOURCES THAT MAY  
6 BE USED FOR THE EDUCATIONAL NEEDS OF ENGLISH LANGUAGE LEARNERS.

7           7. ANALYZE BUDGETED AND ACTUAL EXPENDITURES FOR THE PREVIOUS, THE  
8 CURRENT AND THE FOLLOWING FISCAL YEAR FOR THE EDUCATIONAL NEEDS OF ENGLISH  
9 LANGUAGE LEARNERS FOR SCHOOL DISTRICTS AND CHARTER SCHOOLS.

10           15-756.07. Monitoring; corrective action plan

11           A. THE SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL DIRECT THE  
12 DEPARTMENT OF EDUCATION:

13           1. TO MONITOR EACH YEAR AT LEAST TWELVE SCHOOL DISTRICTS OR CHARTER  
14 SCHOOLS FROM THE FIFTY SCHOOL DISTRICTS OR CHARTER SCHOOLS IN THIS STATE WITH  
15 THE HIGHEST NUMBER OF ENGLISH LANGUAGE LEARNERS. THE DEPARTMENT OF EDUCATION  
16 SHALL MONITOR ALL FIFTY SCHOOL DISTRICTS OR CHARTER SCHOOLS WITH THE HIGHEST  
17 NUMBER OF ENGLISH LANGUAGE LEARNERS IN THIS STATE AT LEAST ONCE EVERY FOUR  
18 YEARS.

19           2. TO MONITOR EACH YEAR AT LEAST TEN SCHOOL DISTRICTS OR CHARTER  
20 SCHOOLS THAT ARE NOT INCLUDED IN THE FIFTY SCHOOL DISTRICTS OR CHARTER  
21 SCHOOLS DESCRIBED IN PARAGRAPH 1.

22           3. TO MONITOR EACH YEAR AT LEAST TEN SCHOOL DISTRICTS OR CHARTER  
23 SCHOOLS THAT ARE NOT REQUIRED TO PROVIDE INSTRUCTION FOR ENGLISH LANGUAGE  
24 LEARNERS FOR A MAJORITY OF THEIR GRADE LEVELS.

25           4. THAT THE SCHOOL DISTRICTS AND CHARTER SCHOOLS DESCRIBED IN  
26 PARAGRAPHS 1, 2 AND 3 SHALL BE CHOSEN IN THE DEPARTMENT OF EDUCATION'S SOLE  
27 DISCRETION BASED ON THE DEPARTMENT'S REVIEW OF THE REPORTS SUBMITTED BY  
28 SCHOOL DISTRICTS AND CHARTER SCHOOLS.

29           5. TO SELECT A RANDOM SAMPLE OF THREE HUNDRED ENGLISH LANGUAGE  
30 LEARNERS EACH MONTH TO DETERMINE:

31           (a) HOW MANY OF THE SAMPLE CAN READ THE RANDOMLY ORDERED ALPHABET IN  
32 THIRTY SECONDS OR LESS.

33           (b) HOW MANY OF THE SAMPLE CAN READ A RANDOMLY SORTED LIST OF THIRTY  
34 SINGLE-SYLLABLE WORDS IN ONE MINUTE OR LESS.

35           B. THE DEPARTMENT OF EDUCATION SHALL MONITOR A SCHOOL DISTRICT OR  
36 CHARTER SCHOOL IF THE DEPARTMENT RECEIVES A DOCUMENTED, WRITTEN COMPLAINT  
37 FROM ANY CITIZEN OR A COMPLAINT FROM THE UNITED STATES DEPARTMENT OF  
38 EDUCATION OR FROM THE UNITED STATES OFFICE OF CIVIL RIGHTS REGARDING THE  
39 SCHOOL DISTRICT'S OR CHARTER SCHOOL'S COMPLIANCE WITH STATE OR FEDERAL LAW  
40 REGARDING ENGLISH LANGUAGE LEARNERS.

41           C. THE MONITORING REQUIRED BY THIS SECTION SHALL BE ON-SITE MONITORING  
42 AND SHALL INCLUDE CLASSROOM OBSERVATIONS, CURRICULUM REVIEWS, FACULTY  
43 INTERVIEWS, STUDENT RECORDS AND A REVIEW OF ENGLISH LANGUAGE LEARNER  
44 PROGRAMS.

1 D. BASED ON THE RESULTS OF THE MONITORING, THE DEPARTMENT SHALL  
2 DETERMINE WHETHER OR NOT THE SCHOOL DISTRICT OR CHARTER SCHOOL IS COMPLYING  
3 WITH STATE AND FEDERAL LAW APPLICABLE TO ENGLISH LANGUAGE LEARNERS.

4 E. THE DEPARTMENT SHALL ISSUE A REPORT OF THE RESULTS OF THE  
5 MONITORING WITHIN FORTY-FIVE DAYS AFTER COMPLETING THE MONITORING.

6 F. WITHIN SIXTY DAYS FOLLOWING THE ISSUANCE OF THE DEPARTMENT'S  
7 REPORT, THE SCHOOL DISTRICT OR CHARTER SCHOOL RECEIVING THE REPORT SHALL  
8 PREPARE AND SUBMIT TO THE DEPARTMENT A CORRECTIVE ACTION PLAN, IN A MANNER  
9 PRESCRIBED BY THE STATE BOARD OF EDUCATION, THAT SETS FORTH STEPS THAT WILL  
10 BE TAKEN TO CORRECT THE DEFICIENCIES, IF ANY, NOTED IN THE DEPARTMENT'S  
11 REPORT.

12 G. WITHIN THIRTY DAYS AFTER RECEIVING A SCHOOL DISTRICT'S OR CHARTER  
13 SCHOOL'S CORRECTIVE ACTION PLAN, THE DEPARTMENT SHALL REVIEW THE CORRECTIVE  
14 ACTION PLAN AND MAY REQUIRE CHANGES TO THE CORRECTIVE ACTION PLAN.

15 H. AFTER THE DEPARTMENT HAS REVIEWED A SCHOOL DISTRICT'S OR CHARTER  
16 SCHOOL'S CORRECTIVE ACTION PLAN AND MADE ANY CHANGES THE DEPARTMENT DEEMS  
17 NECESSARY, THE DEPARTMENT SHALL RETURN THE CORRECTIVE ACTION PLAN TO THE  
18 SCHOOL DISTRICT OR CHARTER SCHOOL.

19 I. WITHIN THIRTY DAYS AFTER RECEIVING A CORRECTIVE ACTION PLAN BACK  
20 FROM THE DEPARTMENT, THE SCHOOL DISTRICT OR CHARTER SCHOOL SHALL BEGIN  
21 IMPLEMENTING THE MEASURES SET FORTH IN THE CORRECTIVE ACTION PLAN.

22 J. THE DEPARTMENT SHALL CONDUCT A FOLLOW-UP EVALUATION OF THE SCHOOL  
23 DISTRICT OR CHARTER SCHOOL WITHIN ONE YEAR AFTER THE DEPARTMENT RETURNED THE  
24 CORRECTIVE ACTION PLAN TO THE SCHOOL DISTRICT OR CHARTER SCHOOL.

25 K. IN CONDUCTING THE FOLLOW-UP EVALUATION, IF THE DEPARTMENT FINDS  
26 THAT THE SCHOOL DISTRICT OR CHARTER SCHOOL IS NOT IN COMPLIANCE WITH STATE  
27 AND FEDERAL LAW APPLICABLE TO ENGLISH LANGUAGE LEARNERS, THE DEPARTMENT SHALL  
28 REFER THE SCHOOL DISTRICT OR CHARTER SCHOOL TO THE STATE BOARD OF EDUCATION  
29 FOR A FINDING OF NONCOMPLIANCE. A SCHOOL DISTRICT OR CHARTER SCHOOL FOUND BY  
30 THE BOARD TO BE NONCOMPLIANT SHALL NOT CONTINUE TO RECEIVE STATE AID MONIES  
31 FOR ENGLISH LANGUAGE LEARNERS AND SHALL NOT REDUCE THE AMOUNT OF FUNDS SPENT  
32 ON THE SCHOOL DISTRICT'S OR CHARTER SCHOOL'S ENGLISH LANGUAGE LEARNER  
33 PROGRAMS DESPITE THE LOSS OF STATE AID MONIES CAUSED BY THE NONCOMPLIANCE.

34 L. THE DEPARTMENT SHALL MONITOR EACH SCHOOL DISTRICT OR CHARTER SCHOOL  
35 THAT THE STATE BOARD OF EDUCATION HAS FOUND TO BE NONCOMPLIANT AND THAT IS  
36 NOT RECEIVING STATE AID MONIES PURSUANT TO SUBSECTION K, TO ENSURE THAT THE  
37 SCHOOL DISTRICT OR CHARTER SCHOOL DOES NOT REDUCE THE AMOUNT OF FUNDS SPENT  
38 ON THE SCHOOL DISTRICT'S OR CHARTER SCHOOL'S ENGLISH LANGUAGE LEARNER  
39 PROGRAMS DESPITE THE LOSS OF STATE AID MONIES CAUSED BY THE NONCOMPLIANCE.

40 15-756.08. Teacher training

41 A. THE STATE BOARD OF EDUCATION SHALL DETERMINE THE QUALIFICATIONS  
42 NECESSARY FOR A PROVISIONAL AND FULL STRUCTURED ENGLISH IMMERSION  
43 ENDORSEMENT.

1 B. TRAINING MAY BE ALLOWED THAT IS NOT PROVIDED BY A COLLEGE OR  
2 UNIVERSITY TO SUBSTITUTE FOR ANY OF THE COURSES REQUIRED FOR A STRUCTURED  
3 ENGLISH IMMERSION ENDORSEMENT OR A BILINGUAL EDUCATION ENDORSEMENT IF ALL OF  
4 THE FOLLOWING CONDITIONS APPLY:

5 1. THE STATE BOARD OF EDUCATION HAS REVIEWED THE CURRICULUM,  
6 TEXTBOOKS, GRADING PROCEDURES AND ATTENDANCE POLICIES AND DETERMINED THAT THE  
7 TRAINING IS COMPARABLE IN AMOUNT, SCOPE AND QUALITY TO A COURSE OFFERED BY A  
8 COLLEGE OR UNIVERSITY FOR A STRUCTURED ENGLISH IMMERSION OR BILINGUAL  
9 EDUCATION ENDORSEMENT.

10 2. THE TRAINING MEETS THE PROFESSIONAL TEACHING STANDARDS ADOPTED BY  
11 THE STATE BOARD OF EDUCATION.

12 3. THE STATE BOARD OF EDUCATION HAS REVIEWED THE QUALIFICATIONS OF THE  
13 INSTRUCTOR AND DETERMINED THAT THE INSTRUCTOR HAS SUFFICIENT EXPERIENCE TO  
14 EFFECTIVELY CONDUCT THE TRAINING.

15 C. THE STATE BOARD OF EDUCATION SHALL REQUIRE ALL APPROVED TEACHER  
16 TRAINING PROGRAMS THAT PROVIDE A DEGREE IN EDUCATION TO REQUIRE COURSES THAT  
17 ARE NECESSARY TO OBTAIN A FULL STRUCTURED ENGLISH IMMERSION ENDORSEMENT.

18 15-756.09. Reporting

19 THE DEPARTMENT OF EDUCATION SHALL:

20 1. REQUIRE EACH SCHOOL DISTRICT AND CHARTER SCHOOL TO ANNUALLY SUBMIT  
21 A REPORT TO THE DEPARTMENT OF EDUCATION THAT INCLUDES THE FOLLOWING  
22 INFORMATION IDENTIFIED BY GRADE LEVEL AND BY SCHOOL:

23 (a) THE TOTAL NUMBER OF PUPILS CLASSIFIED AS ENGLISH LANGUAGE  
24 LEARNERS.

25 (b) THE NUMBER OF PUPILS WHO ARE CLASSIFIED AS ENGLISH LANGUAGE  
26 LEARNERS FOR THE FIRST TIME.

27 (c) THE NUMBER OF ENGLISH LANGUAGE LEARNERS WHO ACHIEVED ENGLISH  
28 PROFICIENCY IN THE PAST ACADEMIC YEAR AND WHO HAVE BEEN RECLASSIFIED AS  
29 ENGLISH PROFICIENT.

30 (d) THE NUMBER OF PUPILS WHO ARE ENROLLED IN EACH TYPE OF LANGUAGE  
31 ACQUISITION PROGRAM OFFERED BY THE SCHOOL DISTRICT OR CHARTER SCHOOL.

32 (e) IF REQUESTED BY THE DEPARTMENT OF EDUCATION, THE TEST DATA USED TO  
33 DETERMINE ENGLISH PROFICIENCY.

34 2. SUBMIT AN ANNUAL REPORT TO THE GOVERNOR, THE PRESIDENT OF THE  
35 SENATE, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE STATE BOARD OF  
36 EDUCATION THAT INCLUDES AN ITEMIZED LIST OF ALL FEDERAL MONIES RECEIVED BY  
37 THE DEPARTMENT FOR ENGLISH LANGUAGE LEARNERS AND THE PURPOSES FOR WHICH THESE  
38 FEDERAL MONIES ARE DESIGNATED. THE DEPARTMENT SHALL SUBMIT A COPY OF THIS  
39 REPORT TO THE SECRETARY OF STATE AND THE DIRECTOR OF THE ARIZONA STATE  
40 LIBRARY, ARCHIVES AND PUBLIC RECORDS.

41 3. SUBMIT AN ANNUAL REPORT TO THE GOVERNOR, THE PRESIDENT OF THE  
42 SENATE, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE STATE BOARD OF  
43 EDUCATION THAT INCLUDES A DETAILED ANALYSIS OF WHETHER AND TO WHAT EXTENT  
44 PUPILS ARE BENEFITING ACADEMICALLY FROM COMPENSATORY INSTRUCTION AND A  
45 COMPARISON OF THE ACADEMIC ACHIEVEMENT OF PUPILS BEFORE AND AFTER RECEIVING

1 COMPENSATORY INSTRUCTION. THE DEPARTMENT SHALL SUBMIT A COPY OF THIS REPORT  
2 TO THE SECRETARY OF STATE AND THE DIRECTOR OF THE ARIZONA STATE LIBRARY,  
3 ARCHIVES AND PUBLIC RECORDS.

4 4. CONTRACT WITH AN INDEPENDENT INFORMATION TECHNOLOGY CONSULTANT FOR  
5 THE PRELIMINARY DESIGN OF AN AGENCY INFORMATION FACTORY TO ANALYZE AND  
6 EVALUATE THE SPECIFIC DATA NEEDS AND ELEMENTS FOR ENGLISH LANGUAGE LEARNER  
7 PROGRAMS FOR THE AGENCY INFORMATION FACTORY.

8 15-756.10. Statewide compensatory instruction fund; reporting;  
9 definition

10 A. THE STATEWIDE COMPENSATORY INSTRUCTION FUND IS ESTABLISHED. THE  
11 DEPARTMENT OF EDUCATION SHALL ADMINISTER THE FUND.

12 B. THE DEPARTMENT OF EDUCATION SHALL DISTRIBUTE MONIES FROM THE FUND  
13 TO SCHOOL DISTRICTS AND CHARTER SCHOOLS IN AN AMOUNT DETERMINED BY THE  
14 DEPARTMENT IN THE FORM OF GRANTS FOR COMPENSATORY INSTRUCTION COSTS. THE  
15 STATE IS NOT REQUIRED TO MAKE PAYMENTS TO A SCHOOL DISTRICT OR CHARTER SCHOOL  
16 PURSUANT TO THIS SECTION IF THE MONIES APPROPRIATED ARE INSUFFICIENT TO MEET  
17 THE REQUESTS OF SCHOOL DISTRICTS AND CHARTER SCHOOLS. IF THERE ARE  
18 INSUFFICIENT MONIES IN THE FUND TO MAKE THE PAYMENTS TO SCHOOL DISTRICTS AND  
19 CHARTER SCHOOLS IN THE AMOUNTS REQUESTED, THE DEPARTMENT SHALL PRORATE THE  
20 PAYMENTS TO EACH SCHOOL DISTRICT AND CHARTER SCHOOL.

21 C. SCHOOL DISTRICTS AND CHARTER SCHOOLS SHALL USE MONIES FROM THE FUND  
22 FOR IMPROVING THE ENGLISH PROFICIENCY OF CURRENT ENGLISH LANGUAGE LEARNERS  
23 AND PUPILS WHO WERE ENGLISH LANGUAGE LEARNERS WHO HAVE BEEN RECLASSIFIED AS  
24 ENGLISH PROFICIENT WITHIN THE LAST TWO YEARS.

25 D. SCHOOL DISTRICTS AND CHARTER SCHOOLS SHALL ANNUALLY SUBMIT WRITTEN  
26 COMPENSATORY INSTRUCTION PLAN REQUESTS TO THE DEPARTMENT ON OR BEFORE APRIL  
27 30 FOR MONIES FROM THE FUND ON A FORM DEVELOPED BY THE DEPARTMENT. THE  
28 WRITTEN COMPENSATORY INSTRUCTION PLANS SHALL ADDRESS AT LEAST THE FOLLOWING:

29 1. PROGRAM COMPONENTS, INCLUDING:

30 (a) A DESCRIPTION OF THE SCHOOL DISTRICT'S OR CHARTER SCHOOL'S  
31 COMPENSATORY INSTRUCTION PLAN.

32 (b) DEMONSTRATION OF COMPLIANCE WITH FEDERAL AND STATE LAW.

33 (c) THE CURRICULUM TO BE USED AT EACH SCHOOL, INCLUDING INSTRUCTIONAL  
34 MATERIALS, THAT IS ALIGNED WITH THE ACADEMIC STANDARDS AND THE ENGLISH  
35 LANGUAGE PROFICIENCY STANDARDS ADOPTED BY THE STATE BOARD OF EDUCATION.

36 (d) AN ANALYSIS OF THE QUALIFICATIONS OF ALL INSTRUCTORS PROVIDING  
37 COMPENSATORY INSTRUCTION.

38 (e) AN ANALYSIS OF PROGRAMMATIC EFFECTIVENESS, AT A MINIMUM TO INCLUDE  
39 PRIOR YEAR DATA THAT ANALYZES THE PROGRESS OF ENGLISH LANGUAGE LEARNERS.

40 2. FINANCIAL COMPONENTS, INCLUDING:

41 (a) A DETAILED BUDGET ON A SCHOOL BY SCHOOL BASIS INCLUDING AT LEAST  
42 THE FOLLOWING:

43 (i) A DETAILED ITEMIZATION OF ALL REVENUES, INCLUDING FEDERAL, STATE,  
44 LOCAL AND PRIVATE FUNDING SOURCES THAT LEGALLY HAVE BEEN OR LEGALLY MAY BE  
45 USED FOR THE COMPENSATORY INSTRUCTION OF ENGLISH LANGUAGE LEARNERS.

(ii) A DETAILED ITEMIZATION OF ALL BUDGETED AND ACTUAL EXPENDITURES FOR THE CURRENT AND FOLLOWING FISCAL YEAR FOR THE COMPENSATORY INSTRUCTION OF ENGLISH LANGUAGE LEARNERS.

(b) A REQUEST FOR A SPECIFIC AMOUNT OF SUPPLEMENTAL MONIES FROM THE STATEWIDE COMPENSATORY INSTRUCTION FUND. THE REQUEST SHALL INCLUDE A DETAILED EXPLANATION AND JUSTIFICATION OF THE NEED FOR THE AMOUNT OF SUPPLEMENTAL MONIES REQUESTED.

(c) AN ANALYSIS OF THE COST-EFFECTIVENESS OF THE SCHOOL DISTRICT'S OR CHARTER SCHOOL'S COMPENSATORY INSTRUCTION AND THE PLAN.

E. THE WRITTEN REQUESTS SUBMITTED BY SCHOOL DISTRICTS AND CHARTER SCHOOLS SHALL BE SIGNED BY THE SUPERINTENDENT OF THE SCHOOL DISTRICT AND THE CHIEF FINANCIAL OFFICER OF THE SCHOOL DISTRICT OR THE PRINCIPAL OF THE CHARTER SCHOOL AND THE CHIEF FINANCIAL OFFICER OF THE CHARTER SCHOOL AND SHALL INCLUDE DETAILED ITEMIZED REQUESTS FOR GRANTS FOR ONE OR MORE OF THE COSTS PRESCRIBED IN SUBSECTION D.

F. SCHOOL DISTRICTS AND CHARTER SCHOOLS SHALL NOT USE MONIES RECEIVED FROM THE STATEWIDE COMPENSATORY INSTRUCTION FUND FOR COMPENSATORY INSTRUCTION THAT IS ALSO BEING USED TO SATISFY THE REQUIREMENTS OF TITLE I OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965 (20 UNITED STATES CODE SECTIONS 6301 ET SEQ.).

G. FOR THE PURPOSES OF THIS SECTION, "COMPENSATORY INSTRUCTION" MEANS PROGRAMS IN ADDITION TO NORMAL CLASSROOM INSTRUCTION FOR PUPILS WHO ARE NOT MAKING SATISFACTORY ACADEMIC PROGRESS.

15-756.11. Auditor general; duties

THE AUDITOR GENERAL SHALL:

1. MODIFY THE ANNUAL FINANCIAL REPORT PRESCRIBED IN SECTION 15-904 IN ORDER TO CARRY OUT THE PROVISIONS OF THIS ARTICLE.

2. BIENNIALY AUDIT THE OVERALL EFFECTIVENESS OF THE ENGLISH LANGUAGE LEARNER PROGRAM BASED ON PERFORMANCE BASED OUTCOME MEASUREMENTS AND INCREASED ENGLISH PROFICIENCY.

15-756.12. School district and charter schools; responsibility to comply with state and federal law

NOTHING IN SECTIONS 15-756 THROUGH 15-756.11 RELIEVES THE RESPONSIBILITY OF A SCHOOL DISTRICT OR CHARTER SCHOOL TO COMPLY WITH ALL STATE AND FEDERAL LAWS.

Sec. 4. Section 15-943, Arizona Revised Statutes, is amended to read: 15-943. Base support level

The base support level for each school district shall be computed as follows:

1. The following support level weights shall be used in paragraph 2, subdivision (a) for the following school districts:

(a) For school districts whose student count in kindergarten programs and grades one through eight is classified in column 1 of this subdivision, the support level weight for kindergarten programs and grades one through

eight is the corresponding support level weight prescribed in column 2 or 3 of this subdivision, whichever is appropriate:

<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>
<u>Student Count</u>	Support Level Weight For Small Isolated School Districts	Support Level Weight For Small School Districts
1-99	1.559	1.399
100-499	$1.358 + [0.0005 \times (500 - \text{student count})]$	$1.278 + [0.0003 \times (500 - \text{student count})]$
500-599	$1.158 + [0.002 \times (600 - \text{student count})]$	$1.158 + [0.0012 \times (600 - \text{student count})]$

(b) For school districts whose student count in grades nine through twelve is classified in column 1 of this subdivision, the support level weight for grades nine through twelve is the corresponding support level weight prescribed in column 2 or 3 of this subdivision, whichever is appropriate:

<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>
<u>Student Count</u>	Support Level Weight For Small Isolated School Districts	Support Level Weight For Small School Districts
1-99	1.669	1.559
100-499	$1.468 + [0.0005 \times (500 - \text{student count})]$	$1.398 + [0.0004 \times (500 - \text{student count})]$
500-599	$1.268 + [0.002 \times (600 - \text{student count})]$	$1.268 + [0.0013 \times (600 - \text{student count})]$

2. Subject to paragraph 1, determine the weighted student count as follows:

(a)

<u>Grade Base</u>	<u>Group A</u>	<u>Support Level Weight</u>	<u>Student Count</u>	<u>Weighted Student Count</u>
PSD 1.000 + 0.450 = 1.450	x			
K-8 1.000 + 0.158 = 1.158	x			
9-12 1.163 + 0.105 = 1.268	x			
	Subtotal	A		

(b)

<u>Funding Category</u>	<u>Support Level Weight</u>	<u>Student Count</u>	<u>Weighted Student Count</u>
HHS	4.771 x		
K-3	0.060 x		
ELL	0.115 x		
	0.140		

1	MD-R, A-R and					
2	SMR-R	6.024	x	_____	=	_____
3	MD-SC, A-SC and					
4	SMR-SC	5.833	x	_____	=	_____
5	MD-SSI	6.531	x	_____	=	_____
6	OI-R	3.158	x	_____	=	_____
7	OI-SC	5.576	x	_____	=	_____
8	P-SD	3.595	x	_____	=	_____
9	ED, MIMR, SLD,					
10	SLI and OHI	0.003	x	_____	=	_____
11	ED-P	4.647	x	_____	=	_____
12	MOMR	4.421	x	_____	=	_____
13	VI	4.806	x	_____	=	_____
14				Subtotal	B	_____

15 (c) Total of subtotals A and B: \_\_\_\_\_

16 3. Multiply the total determined in paragraph 2 by the base level.

17 4. Multiply the teacher experience index of the district or 1.00,  
18 whichever is greater, by the product obtained in paragraph 3.

19 Sec. 5. Section 15-943, Arizona Revised Statutes, as amended by  
20 section 4 of this act, is amended to read:

21 15-943. Base support level

22 The base support level for each school district shall be computed as  
23 follows:

24 1. The following support level weights shall be used in paragraph 2,  
25 subdivision (a) for the following school districts:

26 (a) For school districts whose student count in kindergarten programs  
27 and grades one through eight is classified in column 1 of this subdivision,  
28 the support level weight for kindergarten programs and grades one through  
29 eight is the corresponding support level weight prescribed in column 2 or 3  
30 of this subdivision, whichever is appropriate:

31 Column 1

32 Column 2

33 Column 3

34 Support Level Weight

Support Level Weight

35 For Small Isolated

For Small

36 Student Count

School Districts

School Districts

37 1-99

1.559

1.399

38 100-499

1.358 + [0.0005 x (500  
- student count)]

1.278 + [0.0003 x (500  
- student count)]

39 500-599

1.158 + [0.002 x (600  
- student count)]

1.158 + [0.0012 x (600  
- student count)]

40 (b) For school districts whose student count in grades nine through  
41 twelve is classified in column 1 of this subdivision, the support level  
42 weight for grades nine through twelve is the corresponding support level  
43 weight prescribed in column 2 or 3 of this subdivision, whichever is  
44 appropriate:

1	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>
2		Support Level Weight	Support Level Weight
3		For Small Isolated	For Small
4	<u>Student Count</u>	<u>School Districts</u>	<u>School Districts</u>
5	1-99	1.669	1.559
6	100-499	$1.468 + [0.0005 \times (500$	$1.398 + [0.0004 \times (500$
7		$- \text{student count})]$	$- \text{student count})]$
8	500-599	$1.268 + [0.002 \times (600$	$1.268 + [0.0013 \times (600$
9		$- \text{student count})]$	$- \text{student count})]$

10 2. Subject to paragraph 1, determine the weighted student count as  
 11 follows:

12	(a)							
13				Support				Weighted
14				Level	Student			Student
15	<u>Grade Base</u>	<u>Group A</u>	<u>Weight</u>	<u>Count</u>	<u>Count</u>			<u>Count</u>
16	PSD 1.000 + 0.450 = 1.450	x			=			
17	K-8 1.000 + 0.158 = 1.158	x			=			
18	9-12 1.163 + 0.105 = 1.268	x			=			
19				Subtotal	A			

20	(b)							
21				Support				Weighted
22	<u>Funding</u>			Level	Student			Student
23	<u>Category</u>			<u>Weight</u>	<u>Count</u>			<u>Count</u>
24	HI	4.771	x			=		
25	K-3	0.060	x			=		
26	<del>ELL</del>	<del>0.140</del>	<del>x</del>			=		
27	MD-R, A-R and							
28	SMR-R	6.024	x			=		
29	MD-SC, A-SC and							
30	SMR-SC	5.833	x			=		
31	MD-SSI	6.531	x			=		
32	OI-R	3.158	x			=		
33	OI-SC	5.576	x			=		
34	P-SD	3.595	x			=		
35	ED, MIMR, SLD,							
36	SLI and OHI	0.003	x			=		
37	ED-P	4.647	x			=		
38	MOMR	4.421	x			=		
39	VI	4.806	x			=		
40				Subtotal	B			

41 (c) Total of subtotals A and B: \_\_\_\_\_  
 42 3. Multiply the total determined in paragraph 2 by the base level.  
 43 4. Multiply the teacher experience index of the district or 1.00,  
 44 whichever is greater, by the product obtained in paragraph 3.



1       Sec. 6. Section 41-1279.03, Arizona Revised Statutes, is amended to  
2 read:

3       41-1279.03. Powers and duties

4       A. The auditor general shall:

5       1. Prepare an audit plan for approval by the committee and report to  
6 the committee the results of each audit and investigation and other reviews  
7 conducted by the auditor general.

8       2. Conduct or cause to be conducted at least biennial financial and  
9 compliance audits of financial transactions and accounts kept by or for all  
10 state agencies subject to the single audit act of 1984 (P.L. 98-502). The  
11 audits shall be conducted in accordance with generally accepted governmental  
12 auditing standards and accordingly shall include tests of the accounting  
13 records and other auditing procedures as may be considered necessary in the  
14 circumstances. The audits shall include the issuance of suitable reports as  
15 required by the single audit act of 1984 (P.L. 98-502) so the legislature,  
16 federal government and others will be informed as to the adequacy of  
17 financial statements of the state in compliance with generally accepted  
18 governmental accounting principles and to determine whether the state has  
19 complied with laws and regulations that may have a material effect on the  
20 financial statements and on major federal assistance programs.

21       3. Perform procedural reviews for all state agencies at times  
22 determined by the auditor general. These reviews may include evaluation of  
23 administrative and accounting internal controls and reports on such reviews.

24       4. Perform special research requests, special audits and related  
25 assignments as designated by the committee and conduct performance audits,  
26 special audits, special research requests and investigations of any state  
27 agency, whether created by the constitution or otherwise, as may be requested  
28 by the committee.

29       5. Annually on or before the fourth Monday of December prepare a  
30 written report to the governor and to the committee which contains a summary  
31 of activities for the previous fiscal year.

32       6. In the tenth year and in each fifth year thereafter in which a  
33 transportation excise tax is in effect in a county as provided in section  
34 42-6104, 42-6106 or 42-6107 conduct a performance audit that:

35       (a) Reviews past expenditures and future planned expenditures of the  
36 transportation excise revenues and determines the impact of the expenditures  
37 in solving transportation problems within the county and, for a  
38 transportation excise tax in effect in a county as provided in section  
39 42-6107, determines whether the expenditures of the transportation excise  
40 revenues comply with section 28-6392, subsection B.

41       (b) Reviews projects completed to date and projects to be completed  
42 during the remaining years in which a transportation excise tax is in effect.  
43 Within six months after each review period the auditor general shall present  
44 a report to the speaker of the house of representatives and the president of  
45 the senate detailing findings and making recommendations. If the parameters

1 of the performance audit are set by the citizens transportation oversight  
2 committee, the auditor general shall also present the report to the citizens  
3 transportation oversight committee.

4 (c) Reviews, determines, reports and makes recommendations to the  
5 speaker of the house of representatives and the president of the senate  
6 whether the distribution of highway user revenues complies with title 28,  
7 chapter 18, article 2. If the parameters of the performance audit are set by  
8 the citizens transportation oversight committee, the auditor general shall  
9 also present the report to the citizens transportation oversight committee.

10 7. If requested by the committee, conduct performance audits of  
11 counties and incorporated cities and towns receiving highway user revenue  
12 fund monies pursuant to title 28, chapter 18, article 2 to determine if the  
13 monies are being spent as provided in section 28-6533, subsection B.

14 8. Perform special audits designated pursuant to law if the auditor  
15 general determines that there are adequate monies appropriated for the  
16 auditor general to complete the audit. If the auditor general determines the  
17 appropriated monies are inadequate, the auditor general shall notify the  
18 committee.

19 9. Beginning on July 1, 2001, establish a school-wide audit team in  
20 the office of the auditor general to conduct performance audits and monitor  
21 school districts to determine the percentage of every dollar spent in the  
22 classroom by a school district. THE PERFORMANCE AUDITS SHALL DETERMINE  
23 WHETHER SCHOOL DISTRICTS THAT RECEIVE MONIES FROM THE ARIZONA STRUCTURED  
24 ENGLISH IMMERSION FUND ESTABLISHED BY SECTION 15-756.03 AND THE STATEWIDE  
25 COMPENSATORY INSTRUCTION FUND ESTABLISHED BY SECTION 15-756.10 ARE IN  
26 COMPLIANCE WITH TITLE 15, CHAPTER 7, ARTICLE 3.1. The auditor general shall  
27 determine, through random selection, the school districts to be audited each  
28 year, subject to review by the joint legislative audit committee. A school  
29 district that is subject to an audit pursuant to this paragraph shall notify  
30 the auditor general in writing as to whether the school district agrees or  
31 disagrees with the findings and recommendations of the audit and whether the  
32 school district will implement the findings and recommendations, implement  
33 modifications to the findings and recommendations or refuse to implement the  
34 findings and recommendations. The school district shall submit to the  
35 auditor general a written status report on the implementation of the audit  
36 findings and recommendations every six months for two years after an audit  
37 conducted pursuant to this paragraph. The auditor general shall review the  
38 school district's progress toward implementing the findings and  
39 recommendations of the audit every six months after receipt of the district's  
40 status report for two years. The auditor general may review a school  
41 district's progress beyond this two-year period for recommendations that have  
42 not yet been implemented by the school district. The auditor general shall  
43 provide a status report of these reviews to the joint legislative audit  
44 committee. The school district shall participate in any hearing scheduled  
45 during this review period by the joint legislative audit committee or by any

1 other legislative committee designated by the joint legislative audit  
2 committee.

3 B. The auditor general may:

4 1. Subject to approval by the committee, adopt rules necessary to  
5 administer the duties of the office.

6 2. Hire consultants to conduct the studies required by subsection A,  
7 paragraphs 6 and 7 of this section.

8 C. If approved by the committee the auditor general may charge a  
9 reasonable fee for the cost of performing audits or providing accounting  
10 services for auditing federal funds, special audits or special services  
11 requested by political subdivisions of the state. Monies collected pursuant  
12 to this subsection shall be deposited in the audit services revolving fund.

13 D. The department of transportation, the board of supervisors of a  
14 county that has approved a county transportation excise tax as provided in  
15 section 42-6104, 42-6106 or 42-6107 and the governing bodies of counties,  
16 cities and towns receiving highway user revenue fund monies shall cooperate  
17 with and provide necessary information to the auditor general or the auditor  
18 general's consultant.

19 E. The department of transportation shall reimburse the auditor  
20 general as follows, and the auditor general shall deposit the reimbursed  
21 monies in the audit services revolving fund:

22 1. For the cost of conducting the studies or hiring a consultant to  
23 conduct the studies required by subsection A, paragraph 6, subdivisions (a)  
24 and (b) of this section, from monies collected pursuant to a county  
25 transportation excise tax levied pursuant to section 42-6104, 42-6106 or  
26 42-6107.

27 2. For the cost of conducting the studies or hiring a consultant  
28 pursuant to subsection A, paragraph 6, subdivision (c) and paragraph 7 of  
29 this section, from the Arizona highway user revenue fund.

30 Sec. 7. School district and charter school English language  
31 learner plans; initial submittals

32 Notwithstanding section 15-756.02, Arizona Revised Statutes, as added  
33 by this act:

34 1. In fiscal year 2005-2006, each school district and charter school  
35 in this state shall submit a structured English immersion plan to the  
36 department of education.

37 2. In fiscal year 2006-2007, fifty per cent of the school districts  
38 and charter schools in this state, as randomly selected by the department of  
39 education, shall submit structured English immersion plans to the department  
40 of education. Beginning in fiscal year 2008-2009, these school districts and  
41 charter schools shall submit structured English immersion plans every other  
42 year to the department of education as prescribed in section 15-756.02,  
43 Arizona Revised Statutes, as added by this act.

3. In fiscal year 2007-2008, the school districts and charter schools in this state that were not randomly selected by the department of education pursuant to paragraph 2 of this section shall submit structured English immersion plans to the department of education. Beginning in fiscal year 2009-2010, these school districts and charter schools shall submit structured English immersion plans every other year to the department of education as prescribed in section 15-756.02, Arizona Revised Statutes, as added by this act.

Sec. 8. Appropriation; compensatory instruction grants;  
exemption

A. The sum of \$10,000,000 is appropriated from the state general fund in fiscal year 2005-2006 to the department of education for distribution of grants to school districts and charter schools from the statewide compensatory instruction fund as prescribed in section 15-756.10, Arizona Revised Statutes, as added by this act.

B. The appropriation made in subsection A of this section is exempt from the provisions of section 35-190, Arizona Revised Statutes, relating to lapsing of appropriations.

Sec. 9. Appropriation; English language acquisition services;  
exemption

A. The sum of \$2,310,000 is appropriated from the state general fund in fiscal year 2005-2006 to the department of education for up to 20 FTE positions to provide English language acquisition services for the purposes of section 15-756.06, Arizona Revised Statutes, as added by this act.

8. The department of education may use the monies appropriated pursuant to subsection A of this section to contract with a third party to carry out the purposes of section 15-756.06, Arizona Revised Statutes, as added by this act.

C. The appropriation made in subsection A of this section is exempt from the provisions of section 35-190, Arizona Revised Statutes, relating to lapsing of appropriations.

Sec. 10. Department of education; transfer of monies previously appropriated

The department of education shall transfer \$13,500,000 from the monies previously appropriated pursuant to Laws 2001, second special session, chapter 9, section 11 to the state treasurer for deposit in the state general fund.

**Sec. 11. Appropriation; teacher reimbursement; exemption**

A. The sum of \$13,500,000 is appropriated from the state general fund in fiscal year 2005-2006 to the department of education for distribution to school districts and charter schools to pay teachers for reimbursement for the successful completion of courses or other training prescribed in section 15-756.08, Arizona Revised Statutes, as added by this act, that is required to acquire a structured English immersion endorsement or a bilingual

1 education endorsement as prescribed by rules adopted by the state board of  
2 education.

3 B. If federal monies are received by the department of education for  
4 the specific purposes for which monies are appropriated pursuant to this  
5 section, the department of education shall revert the portion of the state  
6 general fund appropriation received equal to the federal dollars received for  
7 this purpose in the year that federal monies are received, if the reversion  
8 is consistent with federal law.

9 C. The appropriation made in this section is exempt from the  
10 provisions of section 35-190, Arizona Revised Statutes, relating to lapsing  
11 of appropriations.

12 Sec. 12. Appropriation: English language proficiency tests:  
13 exemption

14 A. The sum of \$1,800,000 is appropriated from the state general fund  
15 in fiscal year 2005-2006 to the department of education for the costs of  
16 providing English language proficiency tests to school districts and charter  
17 schools for the purposes of title 15, chapter 7, article 3.1, Arizona Revised  
18 Statutes, as amended by this act.

19 B. The appropriation made in subsection A of this section is exempt  
20 from the provisions of section 35-190, Arizona Revised Statutes, relating to  
21 lapsing of appropriations.

22 Sec. 13. Appropriation: task force expenses; exemption

23 A. The sum of \$200,000 is appropriated from the state general fund in  
24 fiscal year 2005-2006 to the department of education division of English  
25 language acquisition services for compensation to Arizona English language  
26 learners task force members.

27 B. The appropriation made in subsection A of this section is exempt  
28 from the provisions of section 35-190, Arizona Revised Statutes, relating to  
29 lapsing of appropriations.

30 Sec. 14. Appropriation: auditor general; evaluation and  
31 compliance; exemption

32 A. The sum of \$1,000,000 is appropriated from the state general fund  
33 in fiscal year 2005-2006 to the office of the auditor general for the  
34 purposes prescribed in section 15-756.11, Arizona Revised Statutes, as added  
35 by this act.

36 B. The appropriation made in subsection A of this section is exempt  
37 from the provisions of section 35-190, Arizona Revised Statutes, relating to  
38 lapsing of appropriations.

39 Sec. 15. Transfer of monies previously appropriated

40 Of the \$10,000,000 that the department of education transferred from  
41 the amount appropriated for additional state aid in Laws 2004, chapter 275,  
42 section 18 to the amount appropriated for achievement testing, the department  
43 of education shall revert the sum of \$7,000,000 to the state general fund.

1       Sec. 16. Appropriations; purpose

2       A. The sum of \$7,000,000 is appropriated from the state general fund  
3 to the department of education in fiscal year 2005-2006 for distribution to  
4 schools and charter schools for the increased support level weight for pupils  
5 that qualify for the ELL funding category as prescribed in section 15-943,  
6 Arizona Revised Statutes, as amended by section 4 of this act.

7       B. The sum of \$6,500,000 is appropriated from the budget stabilization  
8 fund established in section 35-144, Arizona Revised Statutes, to the  
9 department of education in fiscal year 2005-2006 for distribution to schools  
10 and charter schools for the increased support level weight for pupils who  
11 qualify for the ELL funding category as prescribed in section 15-943, Arizona  
12 Revised Statutes, as amended by section 4 of this act.

13       Sec. 17. Intent

14       A. The legislature declares that it has grave concerns regarding the  
15 validity and reliability of the cost study performed by the National  
16 Conference of State Legislatures pursuant to Laws 2001, second special  
17 session, chapter 9, section 8. The cost study used what it referred to as  
18 the "professional judgment approach" to determine incremental costs for  
19 English language learners, yet acknowledged that this kind of approach  
20 "depends on the judgments of educational professionals in identifying  
21 strategies rather than research that actually shows a linkage between the  
22 strategy and student performance".

23       B. Beginning in fiscal year 2006-2007, the legislature intends to  
24 replace the current, "one size fits all", system of funding the English  
25 language learner group B weight by enacting a comprehensive, efficient and  
26 cost effective program of developing research based models of structured  
27 English immersion that comply with all state and federal laws for use by  
28 school districts and charter schools, and funding the incremental costs of  
29 the research based models that are in addition to the normal costs of  
30 conducting programs for English proficient students. Furthermore,  
31 classification of a pupil as an English language learner is fundamentally  
32 different than the classification of a pupil as qualified for any other group  
33 B weight category.

34       C. The legislature declares that the costs of implementing the new  
35 English language learner programs cannot be determined until the Arizona  
36 English language learners task force develops the research based models, as  
37 required by this act.

38       D. For fiscal year 2005-2006, the legislature is appropriating  
39 additional monies to fund an increase in the English language learner group B  
40 weight, in an effort to provide additional resources to school districts and  
41 charter schools for enhanced effectiveness of English language learner  
42 programs that comply with all state and federal laws.

43       E. The legislature intends that structured English immersion programs  
44 be subject to enhanced monitoring and compliance requirements, including  
45 effective audit and reporting requirements.

1       Sec. 18. Effective date

2       Section 15-943, Arizona Revised Statutes, as amended by section 5 of  
3 this act, is effective from and after June 30, 2006.

4       Sec. 19. Retroactivity

5       Section 15 of this act, relating to the transfer of previously  
6 appropriated monies, applies retroactively to from and after May 12, 2005.

7       Sec. 20. Conditional enactment; group B weight increase;  
8               appropriation; notice

9       A. Section 15-943, Arizona Revised Statutes, as amended by section 4  
10 of this act and section 16 of this act, relating to appropriations to the  
11 department of education, shall not become effective unless the United States  
12 District court for the district of Arizona in the case of Flores v. State of  
13 Arizona, No. CIV 92-596-TUC-RCC, issues an order that, by this act, the state  
14 has taken appropriate action to establish a program that addresses the orders  
15 in the case and, at least on an interim basis, the court will permit this act  
16 to be fully implemented to determine whether the resulting ELL plans and  
17 available funding to implement the plans bear a rational relationship to the  
18 cost of implementing appropriate language acquisition programs.

19       B. The superintendent of public instruction shall notify the executive  
20 director of the Arizona Legislative Council in writing if the condition  
21 prescribed in subsection A of this section is met. This notice shall include  
22 the date on which the condition is met.



HOUSE CONCURS IN SENATE  
AMENDMENTS AND FINAL PASSAGE

May 13, 2005,

by the following vote: 34 Ayes,

19 Nays, 7 Not Voting



Speaker of the House



Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this

13th day of May 2005

at 11:20 o'clock a M.

  
Secretary to the Governor

Approved this \_\_\_\_\_ day of

\_\_\_\_\_, 20\_\_\_\_,

at **VETO** o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Governor of Arizona

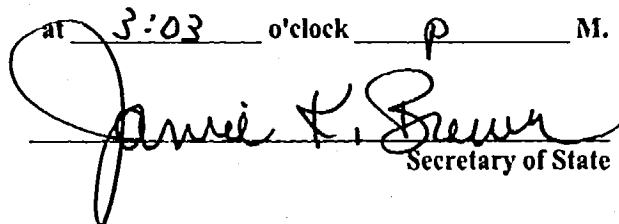
H.B. 2718

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 20th day of May, 2005,

at 3:03 o'clock p M.

  
Secretary of State



Passed the House March 24, 2005

Passed the Senate May 12, 2005

by the following vote: 58 Ayes,

by the following vote: 17 Ayes,

1 Nays, 1 Not Voting

5 Nays, 8 Not Voting

*With Emergency*

[Signature]  
Speaker of the House

[Signature]  
President of the Senate

Norman L. Moore  
Chief Clerk of the House

Charmine Bellington  
Secretary of the Senate

**EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR**

This Bill was received by the Governor this

\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary to the Governor

Approved this \_\_\_\_\_ day of

\_\_\_\_\_, 20\_\_\_\_,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Governor of Arizona

**EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE**

This Bill was received by the Secretary of State

this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of State

H.B. 2718